

AUG 20 1976

MICHAEL R. DAK, JR., CLERK

No. 75-1462.

IN THE
Supreme Court of the United States

DELAWARE REPUBLICAN STATE COMMITTEE, et al.,
Petitioners,

v.

B. WILSON REDFEARN, et al.,
Respondents.

RESPONDENTS' SUGGESTION OF MOOTNESS
AND MOTION TO VACATE AND REMAND.

WILLIAM O. LAMOTTE, III,
THOMAS REED HUNT, JR.,
WILLIAM T. ALLEN,
MORRIS, NICHOLS, ARSHT & TUNNELL,
Twelfth and Market Streets,
Wilmington, Delaware. 19801
Counsel for Respondents.

INDEX.

	Page
I. Statement of the Case	2
II. The Mootness Question: Allocation of Delegates to the Republican State Nominating Convention; Nomination of Candidates for Public Office	4
III. The Absence of Meaningful Controversy: Allocation of Delaware's Delegates to the Republican National Con- vention	8
APPENDIX:	
60 Del. Laws Ch. 712 (August 9, 1976)	A-1
60 Del. Laws Ch. 713 (August 10, 1976)	A-7
Rule 2(b) of the Rules of the Republican State Com- mittee	B-1
15 Del. C. § 101(13), prior to amendment by 60 Del. Laws Ch. 446 (June 7, 1976)	C-1
15 Del. C. § 101(13), as amended by 60 Del. Laws Ch. 446 (June 7, 1976)	C-1

TABLE OF AUTHORITIES.

Cases:	Page
Hall v. Beals, 396 U. S. 45 (1969)	6
King v. Willis, 333 F. Supp. 670 (D. Del. 1971)	9
Powell v. McCormack, 395 U. S. 486 (1969)	4
Redfearn v. Delaware Republican State Committee, 362 F. Supp. 65 (D. Del. 1973)	2, 5, 10, 11
Redfearn v. Delaware Republican State Committee, 393 F. Supp. 372 (D. Del. 1975), <i>aff'd</i> , 524 F. 2d 1403 (1975) .	3, 5
Redfearn v. Delaware Republican State Committee, 502 F. 2d 1123 (3d Cir. 1974)	3
United Public Workers v. Mitchell, 330 U. S. 75 (1947)	8
Constitutional Provisions:	
United States Constitution, Amendment XIV	4, 5
Delaware Constitution, Article III, § 9	6
Delaware Constitution, Article V, § 1	6
Statutes:	
60 Delaware Laws Chapter 712 (August 9, 1976)	3, 5, 6, 7, 8, 9
60 Delaware Laws Chapter 713 (August 10, 1976)	3
15 Delaware Code § 101, <i>as amended</i> , 60 Delaware Laws Chapter 446 § 1 (June 7, 1976)	9
15 Delaware Code § 3301, <i>as amended</i> , 60 Delaware Laws Chapter 447, § 4 (June 7, 1976)	6
15 Delaware Code § 7301	6
15 Delaware Code § 7302	6
Miscellaneous:	
Rules of the Delaware Republican State Committee, Rule 2 .	7
Rules of the Delaware Republican State Committee, Rule 19	7

No. 75-1462.

IN THE Supreme Court of the United States

DELAWARE REPUBLICAN STATE
COMMITTEE, ET AL.,

Petitioners,

v.

B. WILSON REDFEARN, ET AL.,

Respondents.

RESPONDENTS' SUGGESTION OF MOOTNESS AND MOTION TO VACATE AND REMAND.

Respondents suggest that the controversy at bar has in principal part been rendered moot by legislation passed by the Delaware General Assembly and signed by the Governor of Delaware on August 9 and 10, 1976, subsequent to this Court's granting of the writ of certiorari in this action. Moreover, because of the fundamental alterations which this legislation has effected in the role of the political party convention in the electoral process in Delaware, any ancillary issue that arguably has not been mooted should be considered in the context of the new legislation.

Accordingly, respondents suggest that it is appropriate for the Court to vacate the judgment of the Third Circuit Court of Appeals and remand the cause to the District Court of Delaware with directions to dismiss the entire cause as moot, or, in the alternative, with instructions to the District Court to reconsider any residual issues in light of the intervening legislation.

I. Statement of the Case.

A full statement of the case is not necessary to consideration by the Court of this suggestion of mootness. We refer the Court to the Brief of Respondents in Opposition to the Petition for a Writ of Certiorari at pp. 2-7.

The declaratory judgment at issue herein resulted from an action brought by respondents (appellees below), individually and on behalf of all registered Republicans in the Second Republican Convention District of the State of Delaware, in the United States District Court for the District of Delaware seeking relief from the state convention delegate allocation formula whereby the Delaware Republican Party allocated delegates to the Republican state nominating conventions among the four state convention districts and from the Delaware Republican Party's traditional formula for allocating Delaware's delegates to the Republican National Convention. Respondents asserted that such allocation denied them a fair voice in the selection and nomination of Republican candidates for state-wide and national public office.

The District Court granted summary judgment for respondents and ordered the Republican State Committee to refrain from allocating convention delegates on the challenged basis and to institute a constitutionally tolerable allocation formula. *Redfearn v. Delaware Republican State Committee*, 362 F. Supp. 65 (D. Del. 1973).

Petitioners appealed the District Court judgment to the Third Circuit Court of Appeals, arguing, *inter alia*, that the discrimination in the nomination process which resulted from the constitutionally defective delegate allocation formula was protected first amendment activity, and that the questions presented in the case were non-justiciable. The Court of Appeals declined, however, to reach the merits of petitioners' claims, holding simply that

the District Court had lacked jurisdiction to hear respondents' request for injunctive relief. As a consequence, the cause was remanded to the District Court. *Redfearn v. Delaware Republican State Committee*, 502 F. 2d 1123 (3d Cir. 1974).

On remand, respondents withdrew their request for injunctive relief, thereby curing the jurisdictional infirmity. The District Court then reinstated the declaratory portions of its earlier judgment. *Redfearn v. Delaware Republican State Committee*, 393 F. Supp. 372 (D. Del. 1975).

Petitioners again appealed; the Court of Appeals affirmed without discussion of the merits. Application was made to this Court for a writ of certiorari, and on June 7, 1976, the writ was granted.

Subsequent to the granting of the writ of certiorari, the Delaware General Assembly enacted legislation titled "An Act to Amend Chapter 31, Title 15 of the Delaware Code Relating To Primary Elections and Nominations of Candidates, and Providing for a Direct Primary". 60 Del. Laws Ch. 712 (August 9, 1976) (referred to hereinafter as the "Direct Primary Act").¹

The effect of the Direct Primary Act is to eliminate entirely the party convention as the means of nominating party candidates for state-wide and national office and to require that such nomination be by open primary. Respondents submit that the principal issue of this case is thereby rendered moot.

1. A companion bill changing the effective date of the legislation from January 1, 1976 to January 1, 1978 was also enacted. 60 Del. Laws Ch. 713 (August 10, 1976). As discussed *infra*, this amendment does not impair the mootness impact of the legislation. Both acts are set forth in Appendix "A" hereto.

II. The Mootness Question: Allocation of Delegates to the Republican State Nominating Convention; Nomination of Candidates for Public Office.

A cause is considered moot when either of the parties retains no "legally cognizable interest in the outcome." *Powell v. McCormack*, 395 U. S. 486 (1969). Applying this standard to this case, we submit that a determination by this Court of the issues presented will have no effect on petitioners' asserted legal "right" to nominate candidates for public office at a Republican state nominating convention without being required to allocate delegates to that convention in accordance with the one-man, one-vote requirement of the equal protection clause of the fourteenth amendment.

In the first District Court opinion, which forms the basis for the judgment on review here, the court held that the party convention nominating process is "state action".

"Delaware, instead of prescribing a direct primary for nominating candidates for National and State-wide offices, has simply authorized the utilization of party nomination conventions as a substitute method of making nominations. Since the functions performed by the selection procedure—the nomination of candidates—is the same as that performed by a direct primary, which is governed by the Fourteenth Amendment, it logically and rationally follows that the party convention nominating process is 'state action' and the Court so concludes.

• • •

"This Court therefore holds that the one man, one vote principle applies to the selection of delegates to the Republican State nominating convention because that

process is an integral part in the State's scheme of public elections." 362 F. Supp. at 71.

The finding of state action was basic to the court's ultimate conclusion that the equal protection clause was applicable to the manner of allocation of delegates to the convention and that, applying the fourteenth amendment standards, the convention delegate allocation formula, set forth in old Rule 2 of the Rules of the Republican State Committee, "... violate[s] plaintiffs' rights under the equal protection clause of the Fourteenth Amendment as [the practice] violate[s] the one-man, one-vote principle." 393 F. Supp. at 379.

Clearly, the District Court subjected the Republican state convention to fourteenth amendment "one-man, one-vote" scrutiny only *after* it had determined that the Republican Party was performing an electoral function at its convention by nominating candidates for elective office. If the Direct Primary Act were to make it impossible for Delaware Republicans to undertake electoral functions at convention, the convention's adherence to "one-man, one-vote" guidelines would be unnecessary, and this action would be rendered entirely moot.

The Direct Primary Act states in relevant part:

"... the nomination of candidates by all political parties for all offices to be decided at a general election shall be conducted by direct primary." 60 Del. Laws Ch. 712, § 1. (Appendix "A").

This legislation is precisely tailored to remove the principal electoral function—the nomination of candidates for public office—from the ambit of state political party convention authority.

The Direct Primary Act renders this controversy moot, notwithstanding that its effective date is January 1, 1978. The declaratory judgment refers only to the "Republican State Nominating Convention", which is held "not later than the fourth Saturday in July in the year of [the] general election". 15 Del. C. § 3301, *as amended*, 60 Del. Laws Ch. 447, § 4 (June 7, 1976).² The Delaware Constitution provides that general elections shall be "held biennially". Del. Const., Art. V, § 1. The Republican state nominating convention for 1976 is history; there will be no further nominating convention prior to January 1, 1978, the effective date of the Direct Primary Act.

The possibility exists that a special election, and thus a special nominating convention, may be required prior to the effective date of the primary bill. However, the only state-wide office for which a special election is provided by Delaware law is the office of United States Representative, and even here, the Governor of Delaware has the discretion to declare the day of the next general election as the day for the election to fill the vacancy. 15 Del. C. §§ 7301, 7302.³ Since Delaware is represented by a single United States Representative, the likelihood of the need for a special election comes down to the likelihood of one person in one office vacating that office. We submit that such an event is sufficiently improbable as not to be an adequate basis for the Court to decline to determine that the case is moot. *See Hall v. Beals*, 396 U. S. 45 (1969).

2. The odd-year Republican state convention provided for by the Rules of the Republican State Committee devoted to intra-party affairs, including election of the Republican State Committee and its officers. It is not involved in this case.

3. Other vacancies in state-wide elective offices are filled by gubernatorial appointment. Del. Const., Art. III, § 9.

More importantly, even if a special election *should* be required, and a special nominating convention convened, there will be no new election of delegates to that convention (and thus no new allocation of delegates) because Rule 19 of the Rules of the Republican State Committee—not here in issue—expressly provides that the delegates to the most recent nominating convention will serve as the delegates to any subsequent special nominating convention. Rule 19 reads in relevant part:

" . . . The State Committee may call, if necessary, a special Nominating Convention at any time to consider the business reserved to Nominating Conventions in RULES 17 and 18 hereof. Notwithstanding adjournment of a previous Nominating Convention, the State Committee shall designate the delegates to the most recent Nominating Convention as the delegates to the special Nominating Convention."

Thus, the delegates to any special nominating convention which might be called before the effective date of the Direct Primary Act would be those delegates who have already been elected and who have already served at the regular nominating convention for the year 1976. While the remote possibility exists that a special nominating convention could be called, Rule 19 makes explicit that *no* possibility exists that another allocation of delegates would be required. The 1976 convention delegates were allocated among the respective convention districts pursuant to recently amended Rule 2(b) of the Rules of the Delaware Republican State Committee,⁴ which provides for an allocation formula in accordance with the one-man, one-vote principle. Action taken by these delegates at any special nominating convention therefore runs no risk of

4. Set forth in Appendix "B" hereto.

challenge on constitutional grounds if this case is dismissed now as moot.

In summary, the Direct Primary Act has rendered the principal issue before the Court moot, and the fact that the effective date of the primary bill is January 1, 1978 does not change this result.

III. The Absence of Meaningful Controversy: Allocation of Delaware's Delegates to the Republican National Convention.

Respondents suggest further that the issue of application of the one-man, one-vote principle to the process of distribution and selection of Delaware's delegates to the Republican National Convention has been sufficiently altered by intervening events that the issue in its present posture before this Court no longer comprises a controversy presenting the "concrete legal issues, presented in actual cases, not abstractions" that is a prerequisite to the adjudication of constitutional issues. *United Public Workers v. Mitchell*, 330 U. S. 75 (1947). The considerations here are somewhat different than those discussed in Section II, *supra*, because the Direct Primary Act does not speak directly to the manner of selection or allocation of such delegates. However, we submit that the consequence of passage of the Direct Primary Act, together with the further considerations set forth hereinafter, justify the conclusion that the national convention delegate issues, if they are before this Court at all,⁵ are no longer ripe for meaningful determination.

At the very least, the context in which the District Court decided the national convention delegate issues has

5. Respondents believe that the "Questions Presented" in the Petition for Writ of Certiorari do not raise these issues. However, having in mind this Court's Order granting the writ of certiorari, which was general in scope, Respondents address this national delegate allocation question.

been so fundamentally altered by the Direct Primary Act that the only appropriate course for this Court to now adopt, we submit, would be to remand these questions to the District Court and afford it an opportunity to re-examine them in light of the altered circumstances.

First, with the elimination by the Direct Primary Act of the principal purpose for the convening of nominating conventions—nomination of the Republican candidates for elective office—the value of the nominating convention as an institution to the party is substantially reduced, and its survival in *any* form is now a matter of conjecture. The only traditional electoral functions of such conventions not actually precluded by the Direct Primary Act are the election of Delaware's delegates to the Republican National Convention and the nomination of Presidential electors, and nothing in Delaware now *requires* that even these functions be carried out by party convention.⁶ Whether the party will undertake the considerable expense and effort of even convening a state nominating convention now is unknown. The selection of delegates to the national convention could as well be accomplished, for example, by including the delegate candidates in the mandated direct primary.

Secondly, as noted, *supra*, at 4, the District Court's finding of "state action" in the convention process was largely based on the convention's *nominating* function

6. The Direct Primary Act permits, but does not require, nomination of candidates for the National Electoral College to be by convention. 60 Del. Laws Ch. 712, § 8 (Appendix A). While under prior law it was arguable that election of delegates to a political party's national convention must have been by state convention, *see King v. Willis*, 333 F. Supp. 670 (D. Del. 1971), an amendment to the Delaware Election Law definition of "political party", adopted on the day certiorari was granted herein, made it clear that the required election need not be by convention. (These statutes, 15 Del. C. § 101(13), and *as amended*, 60 Del. Laws Ch. 446 (June 7, 1976), are set forth in Appendix C hereto.)

under then applicable state law, as opposed to its function of *electing* national convention delegates.⁷

“ . . . Delaware political parties, by tradition and statute, have become so inextricably intertwined in the State’s election process by nominating party candidates for state-wide office and Presidential Electors that their procedures in this regard may rationally be viewed as the ‘State’ in action, with the consequence that the organization and regulation of such parties must be such as to accord electors equal protection of the laws required by the Fourteenth Amendment.”
362 F. Supp. at 70.

The Direct Primary Act has now deprived the state convention of that “nominating” function, and the question arises for the first time whether the residual functions of the convention are sufficiently cloaked, separate and apart from the nominating functions, with the mantle of state action.

The District Court obviously did not have an opportunity to address the national convention delegate issues in this context. Indeed, the District Court’s opinion clearly reflects the fact that the manner of allocation of Delaware’s delegates to Republican National Conventions was considered only *after* the court had already made the determination that the delegates to the state convention had to be allocated on a one-man, one-vote basis. Thus, it addressed the national convention delegate issues in a posture which, in effect, assumed that the state convention, which would elect such delegates, would already be constitutionally apportioned in its delegate make-up.

“On the other hand, once the State Convention delegates are elected on a one man, one vote principle,

7. The difference between the party’s “nominating” and “electing” functions is explicit under Delaware law. See Appendix “C” hereto.

it would be constitutionally permissible for the State Convention delegates voting as a whole to select all the Republican National Convention delegates so long as this was done without the present requirement of the State Committee that they come from a particular Convention District. This is so because the National Convention delegates who represent Republicans from the entire State would be representatively selected by the State Convention delegation who had been chosen under the one man, one vote principle.” 362 F. Supp. at 71.

Thus, continued litigation of the national convention delegate issues in their present posture before this Court necessarily means that the parties will be attacking or defending determinations of the District Court that were based on premises undermined by the Direct Primary Act. We see no possible prejudice to petitioners arising from a determination that a true controversy with respect to this issue no longer exists, or from a determination to remand this issue to the District Court for further consideration. We submit that further time and effort spent by the parties and this Court on the issues as reflected by the granted petition for certiorari, in the light of the significant intervening legislation, would be unwarranted.

Respectfully submitted,

WILLIAM O. LAMOTTE, III,
THOMAS REED HUNT, JR.,
WILLIAM T. ALLEN,
MORRIS, NICHOLS, ARSHT & TUNNELL,
Twelfth and Market Streets,
Wilmington, Delaware. 19801
Counsel for Respondents.

August 20, 1976

APPENDIX "A".

60 Del. Laws Ch. 712 (August 9, 1976).

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND CHAPTER 31, TITLE 15 OF THE DELAWARE CODE RELATING TO PRIMARY ELECTIONS AND NOMINATIONS OF CANDIDATES, AND PROVIDING FOR A DIRECT PRIMARY."

AN ACT TO AMEND CHAPTER 31, TITLE 15 OF THE DELAWARE CODE RELATING TO PRIMARY ELECTIONS AND NOMINATIONS OF CANDIDATES, AND PROVIDING FOR A DIRECT PRIMARY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 31, Part III, Title 15 of the Delaware Code by adding thereto a new section, designated as § 3101A, which new section shall read as follows:

"§ 3101A. *Direct Primary Elections*

The nominations of candidates by all political parties for all offices to be decided at a general election shall be conducted by direct primary. All such primaries shall be conducted by the county Departments of Election under the applicable provisions of this Title."

Section 2. Amend § 3101, Chapter 31, Part III, Title 15 of the Delaware Code by striking § 3101 in its entirety, and substituting in lieu thereof:

“§ 3101. *Nomination, Withdrawal and Primary Election Dates*

The following schedule shall apply for all candidates:

(a) Notification of candidacy shall be on or before twelve o'clock noon (12:00 p.m.) of the last Friday in July. In the event the last Friday in July is a legal holiday, then the last day to give notification shall be the next day which is not a Saturday, Sunday or a legal holiday.

(b) Such notification of candidacy may be withdrawn on or before twelve o'clock noon (12:00 p.m.) of the second Friday in August. In the event the second Friday in August is a legal holiday, then the final day to withdraw shall be the next day which is not a Saturday, Sunday or a legal holiday.

(c) Primary elections for all political parties shall be conducted on the first Saturday next following the first Monday in September.

(d) After the deadline for Notification of Candidacy set forth in subsection (a) and before the deadline for withdrawal set forth in subsection (b), a candidate may change his candidacy and become a candidate for a different office in the coming election. Such change of candidacy shall be deemed to be irrevocable withdrawal from candidacy for the first announced office.”

Section 3. Amend subsection (a), Section 3103, Chapter 31, Title 15 of the Delaware Code by striking paragraph (4) in its entirety.

Section 4. Amend § 3103, Chapter 31, Part III, Title 15 of the Delaware Code by striking the figure “2%” as

the same appears in subsection (b), and substituting the figure “1%” in lieu thereof.

Section 5. Amend subsection (c), Section 3103, Title 15 of the Delaware Code by striking the words “pursuant to § 3106 of this Title” as they appear in the last sentence thereof and substituting in lieu thereof the words “pursuant to § 3101 of this Title”.

Section 6. Amend § 3106, Chapter 31, Part III, Title 15 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

“§ 3106. *Filing of Candidacy for Nomination at a Primary Election; Withdrawal*

(a) Any person desiring to be a candidate shall give notice in the following manner:

(1) Candidates for Statewide office:

(i) Any Statewide candidate shall notify the Chairman of the State committee of his respective political party, or his designee in writing, on forms prescribed by the State Election Commissioner on or before the deadline set forth in § 3101(a) of this Title.

(ii) At the time of giving notice as required above, each candidate shall tender the required filing fee, if any, by giving a check to the State Election Commissioner, payable to the State committee of the candidate's political party, together with a copy of the notice given the party's State Chairman. At such time, the Commissioner shall receipt a third copy of said notice, to be provided the candidate.

(iii) Except incumbents, the notification given to the State Election Commissioner shall include nominating petitions signed by not less than two percentum (2%) of the total number of qualified electors of the candidate's party in this State. These petitions shall be prepared by Representative Districts and shall include the signatures, printed names and addresses of all qualified voters signing them. Each petition shall contain a general declaration, subscribed to by each person signing the petition, that such signer is a duly qualified and registered elector of the candidate's party, and is signing the petition under oath. This statement shall be followed by a warning that persons placing illegal signatures on the petition may be subject to prosecution for perjury. Each petition shall also include a statement signed by the person gathering the signatures that such person witnessed the placing of each signature upon the petition.

(2) Candidates for all other offices:

(i) All candidates for county or county-wide offices, members of the General Assembly, and/or municipal office for any municipality holding its election at the time of the general election shall notify the county Chairman, or his designee, in writing (or the city Chairman, or his designee, if applicable for municipal candidates) of their respective political party in their county of residence on forms prescribed by the State

Election Commissioner on or before the deadline set forth in § 3101(a) of this Title.

(ii) At the time of giving notice as required above, each candidate shall tender the required filing fee, if any, by giving a check to the county Department of Elections, payable to the county committee of the candidate's political party (or city committee, if applicable for municipal candidates), together with a copy of the notice given to the party Chairman. At such time, the Department shall receipt a third copy of the notice, to be provided the candidate.

(b) If any of the filing fees mentioned in (a) above are not required, each candidate shall still give notice to the election agency having jurisdiction, as specified in (a)(1) and (a)(2), and shall receive a receipted copy of the prescribed form.

(c) Any candidate who has filed for nomination as required above may withdraw said filing by notifying the respective elections agency with whom he filed on forms prescribed by the State Election Commissioner on or before the deadline set forth in § 3101(b) of this Title. The elections agency having jurisdiction shall promptly notify the same political party Chairman who received the original notice of filing. The filing fee of the candidate so withdrawing shall be returned to him. In the event a candidate withdraws after the deadline set forth in § 3101(b) of this Title, he shall forfeit the filing fee to the political party. In cases where no filing fee was required, any candidate withdrawing after the deadline shall submit to the respective elections agency a check

payable to the Treasurer of the State of Delaware in the amount of fifty dollars (\$50.00).

(d) Following the deadline for withdrawal of candidates, the State Election Commissioner shall promptly turn over the filing fee checks of the Statewide candidates to the State Chairmen of their respective political parties. At the same time, the Commissioner shall notify each county Department of Elections of all those Statewide candidates who have qualified under this section.

The county Departments shall also at this time submit to the county Chairman (or city Chairman, if applicable) all filing fee checks from candidates of their respective political parties and shall notify the Commissioner of all persons who have qualified as candidates.

(e) Any notice of candidacy or withdrawal of candidacy required by this section shall include the signature of each candidate, together with his proper and correct name typed or printed, and the address from which he is registered to vote."

Section 7. Amend § 3107, Chapter 31, Part III, Title 15 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§ 3107. Determination of Nominee

Any candidate for party nomination to any office who receives a plurality of the votes cast in his party's primary election for that office shall be the nominee of his party for such office."

Section 8. Amend § 3113, Chapter 31, Part III, Title 15 of the Delaware Code by striking said section in its entirety, and substituting in lieu thereof the following:

"§ 3113. Nominating Conventions

The method of nominating candidates for the National Electoral College, for offices within a particular political party, and for formulation of the party platform may be by convention."

Section 9. The provisions of this Act shall become effective on January 1, 1976.

60 Del. Laws Ch. 713 (August 10, 1976).

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AMEND CHAPTER 31, TITLE 15 OF THE DELAWARE CODE RELATING TO PRIMARY ELECTIONS AND NOMINATIONS OF CANDIDATES, AND PROVIDING FOR A DIRECT PRIMARY."

Section 1. Amend an Act entitled "AN ACT TO AMEND CHAPTER 31, TITLE 15 OF THE DELAWARE CODE RELATING TO PRIMARY ELECTIONS AND NOMINATIONS OF CANDIDATES, AND PROVIDING FOR A DIRECTOR PRIMARY" by striking the number 1976 as the same appears in Section 9 of said Act and substituting the number 1978 in lieu thereof.

APPENDIX "B".

Rule 2(b) of the Rules of the Republican State Committee.

For the purposes of the nominating convention referred to in RULE 17, the state shall be divided into seven (7) Convention Districts. Representative Districts 1 - 6 shall be known as the First Convention District. Representative Districts 7 - 12 shall be known as the Second Convention District. Representative Districts 13, 14, 15, 16, 21, and 22 shall be known as the Third Convention District. Representative Districts 17, 18, 19, 20, and 28 shall be known as the Fourth Convention District. Representative Districts 23, 24, 25, 26, 27, and 29 shall be known as the Fifth Convention District. Representative Districts 30 - 35 shall be known as the Sixth Convention District. Representative Districts 36 - 41 shall be known as the Seventh Convention District. The Nominating Convention shall consist of approximately two hundred twenty-three (223) delegates. Each Convention District shall be allotted three (3) delegates for each Representative District within that Convention District for a total of one hundred twenty-three (123). One hundred (100) delegates shall be distributed, as nearly as is practicable, among the Convention Districts on the basis of one (1) delegate for each one percent (1%) of the Republican vote (as determined in subparagraph (a) above).

APPENDIX "C".

15 Del. C. § 101(13), prior to amendment by 60 Del. Laws Ch. 446 (June 7, 1976).

"'Party' or 'political party' means any political party, organization or association which elects delegates to a national convention, nominates candidates for electors of President and Vice-President, United States Senator, Representative in Congress, Governor, and other offices, and elects a state committee and officers of a state committee by a state convention composed of elected members from each representative district, provided a registered party member is available in each representative district."

15 Del. C. § 101(13), as amended by 60 Del. Laws Ch. 446 (June 7, 1976).

"'Party' or 'political party' means any political party or political organization which elects delegates who participate in the national convention of a political party, nominates candidates for electors of President and Vice President, United States Senator, Representative in Congress, Governor, and other offices to be presented on the ballot throughout the state, elects state committee and officers of a state committee by a state convention composed of delegates elected from each representative district in which the party has registered members. . . . [remaining provisions not relevant]"